

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.23597 of 2013**

Arising Out of PS.Case No. -171 Year- 2011 Thana -GOPALPUR District- BHAGALPUR

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Pappu Kumar @ Pradeep Kumar S/O Late Ram Swaroop Pd. Singh  
Village- Murli, P.S. Rangra, District- Bhagalpur

.... .... Petitioner/s

Versus

The State Of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Vikram Singh

For the Opposite Party/s : Mr. Damodar Prasad Tiwary (App)

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**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

2      17-03-2016                      Heard Sri Vikram Singh, learned counsel for the  
petitioner and Sri Damodar Prasad Tiwary, learned A.P.P.

The petitioner, has invoked inherent jurisdiction of this court under Section 482 of the Code of Criminal Procedure, with a prayer to quash the order dated 24.5.2013 passed by Sri Abhijit Kumar, learned Judicial Magistrate 1<sup>st</sup> Class Naugachia in G.R. Case No. 643 of 2011 / Tr. No. 2148 of 2013 arising out of Gopalpur P.S. Case No. 171 of 2011 registered under Section 25(1-b) A, 27 (B) of the Arms Act. By the said order the learned Magistrate has rejected the petition of the accused petitioner whereby a prayer was made to defer examination of the Investigating Officer.

Learned counsel for the petitioner submits that since in

the police report there were other witnesses the Investigating Officer was required to be examined as a last witness and as such he has made a prayer for setting aside the impugned order. Whereas on perusal of the impugned order it is evident that prosecution had categorically made statement that it was his last witness. The I.O. was examined as the last witness. It appears on examining the impugned order that petition by the accused petitioner was filed only and only with a view to delay conclusion of the trial.

I do not find any defect in the order impugned.

The petition stands rejected with an observation that the learned Magistrate may take appropriate step so that trial may come its logical end, if it has not been concluded, without any delay preferably within a period of eight weeks from the date of receipt / production of a copy of this order.

Let a copy of this order be sent to be court below forthwith.

**(Rakesh Kumar, J)**

Praful/-

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